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Letter dated 2 May 2011 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to inform you that, during the French presidency, the Security Council will hold a debate on Wednesday, 18 May 2011 on the situation concerning the Democratic Republic of the Congo. France has prepared a concept paper that will serve to guide the discussions (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council in connection with the item entitled "The situation concerning the Democratic Republic of the Congo".

(*Signed*) Gérard **Araud**

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Annex to the letter dated 2 May 2011 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

Concept paper

The situation concerning the Democratic Republic of the Congo

The United Nations has had a long-standing presence in the Democratic Republic of the Congo. The 500-person observation mission established in 1999 has grown into one of the largest peacekeeping operations with multiple dimensions that include protection of civilians, support for security sector reform and institution-building. The role of a peacekeeping operation like the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) is to take action from the outset of the post-crisis phase and initiate stabilization activities that will create conditions for more sustainable development.

Since the adoption of Security Council resolution 1925 (2010) in May 2010, particular emphasis has therefore been placed on stabilization and peacebuilding efforts, which now constitute the second focus of the mandate, after the protection of civilians. In the Democratic Republic of the Congo, stabilization is the goal of the International Security and Stabilization Support Strategy and the Stabilization and Reconstruction Plan established by international actors and the Congolese Government with the support of MONUSCO. Other stakeholders, such as development banks, United Nations funds and programmes and bilateral or regional donors, are in charge of medium- and long-term efforts to ensure the country's development.

The context of the debate that France wishes to organize in the Security Council is the gradual stabilization of the Democratic Republic of the Congo. This debate should allow the Council to take stock of the situation with both the Congolese authorities and the international community and to consider four key issues for the stabilization of the Democratic Republic of the Congo:

1. **With respect to security**: The eastern part of the country remains unstable and accounts for the bulk of security problems. In the west, however, Equateur Province has also faced security challenges and is an area of concern: 120,000 persons fled the region in 2009 for the neighbouring Republic of the Congo. What action should be taken to strengthen security, particularly in the eastern Democratic Republic of the Congo?

2. **With respect to the electoral process**: Presidential and legislative elections represent the next major item on the timetable and they are a necessary precondition for the consolidation of State authority. How can the international community and MONUSCO contribute to the Congolese Government's organization of a free and transparent electoral cycle to begin in November 2011?

3. **With respect to governance and institution-building**: What are the next steps needed to ensure the consolidation of democratic institutions and State authority throughout the country, and more particularly in the east?

4. **With respect to economic development**: Longer-term stabilization of the Democratic Republic of the Congo requires real economic expansion. How can the foundation be laid for long-term economic development?

1. What action should be taken to strengthen security, particularly in the eastern Democratic Republic of the Congo?

As the Secretary-General stressed in his report to the Security Council in March 2010, the security situation throughout the country has clearly improved in recent years: 8 of the 11 provinces have now emerged from conflict and have made clear progress, considering the enormous challenges that faced them.

Nevertheless, in the west, Equateur Province experienced unrest in 2009 that led to the departure of 120,000 refugees for the Republic of the Congo, accounting for one quarter of refugees outside the borders of the Democratic Republic of the Congo. That instability is a source of concern.

There is continued tension in the east in particular, despite the integration process for the Congrès national pour la défense du peuple (CNDP). The security issue in the region derives not only from ongoing activities by rebel groups but also from the behaviour of some members of the regular army, particularly those who came from armed groups. A combination of military, political and institutional responses is required:

- With regard to military activities, action to combat the rebels of the Forces démocratiques de libération du Rwanda (FDLR) is yielding significant results. FDLR is attempting to maintain its military capabilities through growing violence and opportunistic alliances. The success in recent months of the disarmament, demobilization, repatriation, resettlement and reintegration programme has nonetheless led the United Nations to be "reasonably optimistic" about the chances of making progress. Other armed groups, including combatants from Uganda and Burundi, particularly the Lord's Resistance Army (LRA), whose activities in 2011 have newly displaced more than 30,000 people in the Democratic Republic of the Congo, are still active. Stability in the eastern Democratic Republic of the Congo is thus a political issue that must be considered at the regional level.

- The accelerated integration of CNDP rebels into the regular army and the national police in 2009 did not allow for any true "brassage", which would have entailed checking the background of militia members and posting them throughout the country. The former rebel group, which is well organized, wields powerful influence that it has further bolstered by taking control of certain mine resources, despite a prohibition against mining operations put in place by the Congolese Government until March 2011. Further political discussion appears necessary to seek a sustainable, stable solution.

- In terms of institutions, the strengthening of security in the eastern Democratic Republic of the Congo and throughout the rest of the country will require capacity-building and reform of the security forces:

  - Army reform: So far, attempts to reform the Armed Forces of the Democratic Republic of the Congo have yielded inadequate results, particularly owing to the difficulty of integrating armed groups. In 2009 the Congolese authorities launched an army reform plan to be implemented

over 15 years. The goal is to form a new Congolese "republican" army comprising 80,000 men (there were 150,000 men in December 2010). A new organization process has been under way since late 2010 with "regimentation" aimed at restructuring the troops, improving their quarters and conducting training to improve performance. Some progress has been made in addressing the gross misconduct and criminal behaviour of some members of the Armed Forces of the Democratic Republic of the Congo, and the Government's zero-tolerance policy must continue to be implemented.

- Police reform has also been delayed. One quarter of police officers have reached the retirement age limit. The problems in this area — capacity, ethics and respect for human rights, among others — are similar to those faced by the army. In principle, the police is supposed to undergo reform and gradually take over from the army and MONUSCO in areas that have been secured, through redeployment at 34 sites in North and South Kivu and Haut-Uélé. However, the implementation of reform remains difficult.

The laws on the organization of the army and police, which have been pending for the past two years, should be adopted at the parliamentary session in March-June 2011. Implementation plans are urgently needed.

2. How can the international community and MONUSCO contribute to the Congolese Government's organization of a free and transparent election cycle to begin in November 2011?

The holding of free, transparent and democratic elections is a determining factor for strengthening the authority and legitimacy of the State. Presidential and legislative elections are scheduled for late 2011 and provincial, local and municipal elections are to take place in 2012 and 2013. These elections will provide an opportunity to modernize the State and promote the emergence of a new generation, particularly at the local level. Local elections could not be organized in 2007.

The international community, which provides a substantial percentage of resources for the overall State budget, is sharing with the Congolese Government the costs of the election finance plan (with the Government covering 60 per cent). This support will help build Congolese democracy, which is currently characterized by progress (such as the growth of media outlets and expressions of opinion and State engagement in the electoral process) that is still threatened by difficult conditions and weak administrative structures. The international community is devoting special attention to ensuring the transparency of the electoral process.

The Congolese Government has clearly expressed its desire to hold free, transparent elections. It could elaborate on this goal with a road map to be presented to the Security Council on 18 May (see "Objectives of the debate" below). To meet the challenge of organizing the elections, regular and constructive dialogue between the Congolese authorities, the international community, and the opposition, within the election monitoring committee will be crucial.

MONUSCO, for its part, should strengthen the dialogue with the Congolese authorities, in particular with the National Independent Electoral Commission, concerning the planning and conduct of the electoral campaign. MONUSCO should provide the Security Council and the Secretary-General, on a regular basis, with an

assessment of the electoral process and a report on the Mission's contribution to the organization of free and transparent elections within its existing resources.

3. What are the next steps needed to ensure the consolidation of democratic institutions and State authority throughout the country, and more particularly in the east?

The overall restoration of security in the western provinces promoted the consolidation of State authority in those provinces, albeit to varying degrees. Similarly, the stabilization of the eastern areas of the Democratic Republic of the Congo, once those areas have been secured, will require the re-establishment of State institutions and strengthening the capacities of democratic institutions. This also includes restoring basic services (access to justice, the state of law, road access, and priority health and education infrastructure). MONUSCO is providing support for those efforts in the east, particularly through the Stabilization and Reconstruction Plan. It expects follow-on missions by development stakeholders (World Bank, United Nations Development Programme (UNDP) and bilateral or regional donors) to ensure the sustainability of the projects implemented.

Institution-building is an essential tool for intercommunity reconciliation and dispute resolution, particularly in situations such as the large-scale return of refugees or displaced persons that the eastern Democratic Republic of the Congo now faces. Currently, just over 400,000 Congolese refugees living abroad are waiting to return, in the wake of 223,000 who had already returned since 2004, most of whom came from the United Republic of Tanzania and Zambia.[1] At the same time, the Democratic Republic of the Congo hosts 160,000 foreign refugees, mainly Angolans and Rwandans. Internally displaced persons face especially dismal prospects: the Democratic Republic of the Congo had at the end of 2010 more than 1.6 million internally displaced persons, more than 1.2 million of whom are in the two Kivu provinces.[2] They cannot return in satisfactory conditions unless a minimum of care services are provided for, particularly by local government and agencies.

Beyond the issue of refugees and displaced persons, it appears that reconciliation mechanisms will be needed to stabilize the country. Ongoing impunity for crimes committed will remain a source of insecurity. In that connection, the initiative by the Congolese Minister of Justice and Human Rights to follow up on the proposals made in the report of the Office of the United Nations High Commissioner for Human Rights on crimes committed in the Democratic Republic of the Congo from 1993 to 2003 (mapping exercise), particularly by strengthening the Congolese justice system, should be welcomed and supported.

4. How can the foundation be laid for long-term economic development?

Stabilization requires, lastly, the creation of an environment conducive to the resumption of economic and social activities. This is generally possible only when the security situation and the re-establishment of a fundamental state of law allow.

In order to achieve this goal, several lines of action must be pursued simultaneously:

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[1] Statistics from UNHCR as at 28 February 2011.

[2] Statistics from the Office for the Coordination of Humanitarian Affairs as at 31 December 2010.

Firstly, given the limited resources available, prioritizing Government measures will be a key factor for successful stabilization. That will be supported during the 2012 budget process with a triennial programming approach to setting priorities. Improvement of transparency of the business environment and regulatory framework in the Democratic Republic of the Congo is also decisive in this process. Furthermore, regional economic cooperation should play a key role.

Lastly, better management of the mining sector in the east will be essential to stabilization. The decision to authorize the resumption of mining operations in the Kivus and Maniema must be accompanied by measures to organize and monitor the process from the mine shafts through to export channels.

The decisions[3] taken in this respect by the International Conference on the Great Lakes Region at the Lusaka summit in December 2010 are encouraging. President Kabila recalled his determination to "fight mercilessly against the illegal exploitation of natural resources in the Great Lakes region". The traceability of mineral products, advocated by Organization for Economic Cooperation and Development guidelines, was endorsed by the States of the region. The purpose of establishing five trading counters, which is part of the mandate of MONUSCO, is to bring together near the most strategic sites the State services involved in monitoring mineral products. Implementation continues to be hindered by several obstacles. It is essential and urgent for the mining sector to be effectively organized and managed in order to reduce instability in the area.

Objectives of the debate

The debate will allow the Congolese authorities to present the actions carried out and planned to stabilize the country, and the difficulties they have encountered. Based on the analyses and commitments set out by the Congolese authorities, the international community will consider what support it could provide to the Democratic Republic of the Congo, particularly through MONUSCO. The following issues may be discussed:

1. With respect to security:

   - What does the Congolese Government consider its most serious security threats and vulnerabilities? How can security in the east be improved (including the issues of refugees, the Goma process and FDLR) and how can the regional partners of the Democratic Republic of the Congo be engaged in the crisis recovery process?
   - How should the crisis simmering in Equateur Province be evaluated and addressed to promote the return of refugees to that area?
   - What is the status of the legislative framework for the reform of the security forces? What are the priorities of the Congolese Government regarding this reform?
   - How can the international community better respond to the needs of the security forces and continue to help build their capacity?

[3] The "six tools": regional certification mechanism, harmonization of national legislation, regional database on the flow of minerals, formalization of the traditional mining sector, promotion of the Extractive Industries Transparency Initiative and early warning mechanism.

2. With respect to elections:

- What difficulties have been identified by the Congolese Government and MONUSCO in the election planning process?
- What specific measures have the Congolese authorities implemented and what measures do they intend to take with respect to:
  - The constitutional, legislative and regulatory framework for elections.
  - Freedom of expression and movement, dialogue among political forces, equal treatment of candidates and protection of human rights defenders, in the capital as well as in the provinces.
  - The projected election timetable.
  - Modalities for enhanced dialogue in Kinshasa between the representatives of the international community, especially MONUSCO, and the Congolese authorities, particularly through the election monitoring committee.
- How can MONUSCO contribute, beyond its logistical support, to the success of the electoral cycle that will begin in November 2011?

3. With respect to governance:

- What measures have the Congolese authorities taken and what measures do they intend to take in order to build institutional capacity to address impunity? How can the international community and MONUSCO support these efforts?

4. With respect to economic development:

- What are the priority needs of the stabilization and reconstruction plan for the eastern provinces?
- How does the Congolese Government intend to implement, in the short and medium terms, the tools adopted by the International Conference on the Great Lakes Region at Lusaka? What are the main difficulties to overcome?

Proposed participants

- 15 members of the Security Council
- Ministerial representative of the Democratic Republic of the Congo (Minister for Cooperation)
- Speakers: Secretary-General of the United Nations; Special Representative of the Secretary-General R. Meece; representatives of UNDP and the World Bank; representatives of the African Union and the European Union